Printed name and title

UNITE	D STATES DISTRICT COURT
	for the
	Northern District of New York
UNITED STATES OF AMERICA)
v.) Case No. 5:20-MJ- 464 (TWD)
)
)
MICHAEL MAYHEW,)
Defendant)
	CRIMINAL COMPLAINT
I, the complainant in this case, st	ate that the following is true to the best of my knowledge and belief. On
or about the dates of January 2018 to th	e present in the county of Oneida in the Northern District of New York
the defendant violated:	
Code Section	Offense Description
Title 18, United States Code, Section 2251(a)	Sexual Exploitation of Children
This criminal complaint is based on the	ese facts:
See attached affidavit.	
✓ Continued on the attached sheet ATTESTED TO BY THE APPLICAN	
ACCORDANCE WITH THE REQUIREMENTS OF RULE 4.1 OF 7	Complainant's signature
FEDERAL RULES OF CRIMINAL	Martin Baranski, Special Agent
PROCEDURE	Printed name and title
Date: 9/16/2020	Tacker hulls of
	Judge & stgnature
City and State: Syracuse, New York	Hon. Therese Wiley Dancks, U.S. Magistrate Judge

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF NEW YORK

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Martin Baranski, being duly sworn, depose and state:

INTRODUCTION

- 1. I am a Special Agent employed by the United States Department of Justice, Federal Bureau of Investigation ("FBI"). I am an investigative or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510(7)—that is, I am an officer of the United States who is empowered by law to conduct investigations of offenses enumerated in Title 18, United States Code, Section 2516(1). As an FBI Special Agent, I am authorized to seek and execute federal arrest and search warrants for Title 18 criminal offenses, including offenses related to the sexual exploitation of minors in violation of Title 18, United States Code, Sections 2252 and 2252A. I have been a Special Agent with the FBI since October 2018. I am currently assigned to the FBI's Albany Division. I have received training in the area of child sexual exploitation and have had the opportunity to observe and review examples of child pornography in all forms of media, including computer media.
- 2. This affidavit is made in support of an application for a criminal complaint and arrest warrant charging Michael Mayhew, hereinafter "Mayhew", with sexually exploiting a child in violation of Title 18, United States Code, Section 2251(a).
- 3. The statements contained in this affidavit are based upon my investigation, information provided by other law enforcement officers and FBI personnel, and on my experience and training as a Special Agent of the FBI. As this affidavit is being submitted for the limited purpose of establishing probable cause for a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that the defendant has violated Title 18, United

States Code, Section 2251(a).

FACTUAL BACKGROUND

- 4. On Tuesday, January 29, 2019, Rome Police Department Detective Edwin D'Alessandro interviewed a 6 year old child's (hereinafter "Victim 1") father (hereinafter "Victim 1's father"). Victim 1's father lives with his fiancée (hereinafter "Victim 1's mother"), and Victim 1.
- 5. Victim 1's father reported that he works as a handyman/contractor and has been performing work for Mayhew on his residence since January 2018. Victim 1's father stated that the Victim and his parents became good friends with Michael Mayhew and T.M. over the past year. The group of five would have game nights typically on Saturday nights at the residence in which they would play board games. Mayhew set up a bedroom in his residence for Victim 1 to sleep and play in while the adults played board games. The bedroom had a large number of toys for Victim 1 to play with.
- 6. According to Victim 1's father, Mayhew made Victim 1's parents executors of his will. Mayhew told Victim 1's father that a material percentage of his assets were going to be given to Victim 1 on his 18th birthday. In addition, a college fund was established by Mayhew for Victim 1.
- 7. According to Victim 1's father, on November 11, 2018, Victim 1's parents allowed Victim 1 to sleep over for the first time in the room Mayhew set up for Victim 1 at Mayhew's residence. From November 11, 2018 to December 29, 2018, Victim 1 spent a total of four nights at the Mayhew residence, at Mayhew's request. Victim 1's parents bathed Victim 1 each time before he stayed at the Mayhew residence.
- 8. According to Victim 1's father, on December 30, 2018, Victim 1 came home from sleeping over at the Mayhew residence and reported to his parents that Mayhew told him that when

"men get older their wiener's gets smaller". Shortly thereafter, Victim 1's parents received a text message from Mayhew about future sleepovers with Victim 1, indicating that Mayhew would like Victim 1 to sleepover two sequential nights. According to Victim 1's father, the text messaging from Mayhew about sleepovers became more incessant. At this point, Victim 1's parents no longer felt comfortable letting Victim 1 stay at Mayhew's residence based on the aforementioned comment. Your affiant reviewed copies of the text messages between Mayhew and Victim 1's mother, confirming the incessant and repeated requests by Mayhew for Victim 1 to sleepover. The text messages span the period from the last sleepover, December 30, 2018 to January 4, 2019.

- 9. According to Victim 1's father, on January 9, 2019, Victim 1's mother received a text message from T.M. stating, "What I have to tell you will...end everything...even between Mike & I....but it isn't right". Your affiant reviewed copies of the text messages between T.M. and Victim 1's mother, confirming the quoted text message.
- at the Mayhew residence to discuss the text messages further. The conversation was recorded by Victim 1's parents on a digital recorder. The recording was provided to the Oneida County Sheriff's Department (OCSD) and subsequently provided to your affiant. T.M. reported that she saw Mayhew giving Victim 1 a bath the night at the sleepover on December 29, 2018 and then a shower the following morning. As stated previously, Victim 1's parents reported having bathed Victim 1 before each sleepover at the Mayhew residence. T.M. told Victim 1's parents that Mayhew took pictures of Victim 1 while he was in the bath tub at the Mayhew residence. T.M. discovered the photos of Victim 1 on Mayhew's cellular telephone in a text message that Mayhew sent to himself. T.M. commented that she knew by reporting this to Victim 1's father and mother that the collective relationship would forever be effected, but she could not keep the information to herself any longer. T.M. made further comments regarding her concern with Mayhew and his

longstanding interest in relationships with young boys. According to T.M., this concern stretched back to the time that Mayhew was a foster parent.

- 11. According to Victim 1's father, on January 13, 2019, Victim 1's parents invited Mayhew over to their home to discuss the comments made by Victim 1 and T.M. The conversation was recorded by Victim 1's parents on a cellular telephone. The recording was provided to the OCSD and subsequently provided to your affiant. Your affiant discussed the January 10 and 13, 2019 recorded conversations with Detective Sergeant Melissa Bolton, who confirmed that the voices on the recordings were Michael Mayhew and T.M., respectively.
- Mayhew made the "wiener" comment to Victim 1. Mayhew responded, "yeah...unfortunately yes" and then went on further to say "I can't explain it" and later stated that "it just wasn't meant to be said...it was in passing...it was in the bathroom...and..." Per the recording, Mayhew initially denies taking any pictures of Victim 1 in the bath tub. However, later in the conversation, Mayhew admits to taking a picture of Victim 1 in the bathtub saying, "...and again, I do not mean it in any inappropriate way....and I've gotten rid of that picture because I knew it was not appropriate and I just...I don't know why I had the picture... I deleted it because I didn't want it...and I just don't..." Several times over the course of the recorded conversation Mayhew denies ever doing anything inappropriate to Victim 1, or any child or person in his house. Mayhew explains that he has difficulty forming relationships with adults and seeks to find companionship with children.
- 13. Later that night, Victim 1's father spoke with T.M. outside the Mayhew residence.

 T.M. reported that Mayhew was worried about him calling the police. T.M. also reported that Mayhew said he saw an Air Force Colonel get walked out of work for doing the same thing.

- 14. On Monday, January 28, 2019, Victim 1's parents reported the incident to the New York State Central Registry Child Protective Services Hotline, where it was directed to the Oneida County Child Advocacy Center.
- 15. On January 29, 2019, Sergeant Melissa Bolton of the OCSD interviewed Victim 1. Victim 1 stated that he took a bath while at the Mayhew residence. He further stated that while taking a bath, Mayhew took naked pictures of him using his cellular telephone and described the cellular telephone as gray with a gray or black case. Victim 1 also stated that he felt uncomfortable when Mayhew took the naked pictures of him. Victim 1 also stated that while they were in the bathroom, Mayhew told him that "when you get older, your wiener gets smaller".
- 16. On Wednesday, January 30, 2019, Det. D'Alessandro arrested Mayhew for Endangering the Welfare of a Child, NYS PL 260.10 (1). While Mayhew was being taken into custody, his cellular telephone, a black Samsung Galaxy S8+ manufactured in China consistent with Victim 1's description, was secured into evidence at the OCSD.
- 17. Based upon the above, on March 21, 2019, a federal search warrant was applied for and granted for Mayhew's residence, person, and personal cellular telephone. The search warrant was executed on March 26, 2019. Pursuant to the execution of the search warrant, Mayhew's black Samsung Galaxy 8 (model SM-G955U1, IMEI 3574980881041043), a shoe box full of CDs and VHS tapes, hard drives, and iOmega brand zip disks, were seized as evidence, among several other items.
- 18. A subsequent forensic analysis of Mayhew's cellular telephone was performed and nude photographs of Victim 1 taken in the bathtub at the Mayhew residence were discovered. There were 19 images of Victim 1 in Mayhew's bathroom found on the cellular telephone. Four images, as further described below, depict Victim 1 naked in Mayhew's bathroom. All four pictures feature Victim 1 in Mayhew's bathroom, specifically in a cream-colored bathtub/shower

Image 1 with file name ~4468384523798796383.0.jpg depicts Victim 1 in the bathtub/shower enclosure combination, taking what appears to be a shower, standing on his left leg with his right leg lifted off the ground, arms out to the side, and his genitals clearly visible.

Image 2 with file name 3067251826375008915.0.jpg depicts Victim 1 in the bathtub/shower enclosure combination, taking what appears to be a bath, sitting, with his feet together under water but knees separated above water, with Victim 1's genitals visible but slightly obscured by the water. This image does not contain the Victim 1's face and only contains his torso and legs and genital region.

Image 3 with file name ~2449243095709029962.0.jpg depicts Victim 1 in the bathtub/shower enclosure combination, taking what appears to be a bath. Victim 1 is on his back, with both legs pointed straight up in the air, with his face partially covered by his right leg, and his genitals clearly visible between both legs.

Image 4 with file name ~6528343860413792229.0.jpg depicts the Victim 1 in the bathtub/shower enclosure combination, taking what appears to be a shower, standing on his left leg with his right leg lifted off the ground, arms out to the side, and his genitals clearly visible.

arrant was reviewed by your affiant. The Scotch VHS begins with three young boys being filmed presumably by a camcorder playing in a residential backyard, with a time stamp of April 14, 1993. The boys are known to the affiant as triplets that Michael Mayhew is known to have cared for in the 1990s. The triplets are identical triplet boys that were previously known to your affiant as each were listed in Mayhew's will. Furthermore, Detective Sergeant Melissa Bolton was familiar with the triplets as they all grew up in the same area in Rome, NY. For purposes of this affidavit, the triplets will be referred to as Victim 2, Victim 3, and Victim 4, respectively. The triplets were born in 1982. Throughout the Scotch VHS tape recording, the triplets can be heard speaking to the person holding the camcorder, repeatedly calling this individual "Michael". The person holding the camcorder speaks to the triplets, and the voice is consistent with that of Michael Mayhew as heard by your affiant through interactions and an interview with Mayhew.

- At approximately fifteen minutes into the Scotch VHS, tape with a time stamp of 20. April 18, 1993 at 2:03AM, the person making the recording enters a bedroom that is consistent with Michael Mayhew's bedroom as seen during the search warrant executed at the Mayhew residence. One of the triplets can be seen sleeping in Mayhew's bed. The consensus among the triplets is that Victim 3 was being recorded, but the triplets could not be certain exactly which triplet it was. However, given that the triplets are identical triplets, it is certain that it was in fact one of them. The person making the recording reaches into the bed and pulls the blanket down so that most of Victim 3 is uncovered. Victim 3 continues to sleep while in army green pajamas in which the pants of these pajamas are already partially pulled down. Victim 3's erect penis is clearly visible. The person recording zooms in on Victim 3's erect penis. Victim 3 shifts in his sleep, obscuring the view of his erect penis with the blanket that was previously pulled down by the person making the recording. At this point, the person making the recording pulls the blanket down farther so that Victim 3's erect penis can be clearly seen. At the time of moving the blanket again, Victim 2 can be seen also sleeping in the same bed. The hand that reaches to pull down the blanket appears to be a man's left hand, and a watch is on the person's wrist with a black band and a silver bezel. After shifting the blanket, the person making the recording zooms in on Victim 3's erect penis again. The video then immediately cuts over to July 4, 1993, with the triplets playing in a pool. Again the triplets are referring to the person holding the camera as "Michael", and Michael Mayhew's voice can be heard as the person holding the camera responding to the triplets.
- 21. A BASF-brand VHS tape recovered from Mayhew's basement pursuant to the federal search warrant, with the handwritten label "NY State Fair 1993" was reviewed by your affiant. The BASF VHS tape begins with a timestamp of August 29, 1993 at 10:24AM, at what appears to be the New York State Fair. An adult female who appears to be T.M. looks at the person

recording and says, "Hi Mike!". T.M. continues to wave at the camera and refer to the camera person as "Mike".

22. Toward the end of the BASF VHS tape, with a timestamp of January 15, 1994 at 11:36AM, a person can be seen setting up the camcorder to be recording in Michael Mayhew's bedroom. The camcorder is pointed directly at Mayhew's bed. The person setting up the camcorder is wearing dark pants, a green shirt with a white undershirt visible underneath, and a black band and silver bezel wrist watch on his left hand consistent with the wrist watch seen in the April 18, 1993 video discussed above. In the background of the recording, but not visible, the triplets and Mayhew can be heard talking. Mayhew calls Victim 3 into the bedroom and says, "[Victim 3] get dressed!". Victim 3 enters the bedroom, now visible on camera, and starts to get undressed, per the direction of Mayhew. Victim 3, while sitting on the bed can see the camera and the following exchange takes place:

Victim 3: Mike, it's on!

Mayhew: Huh?

Victim 3: It's on!

Mayhew: What?

Victim 3: [Points to camera]

Mayhew: No it's not

Victim 3: The red light's on!

Mayhew: [Bends down and looks at the camera. Mayhew is wearing dark jeans, a green shirt with a long sleeve white shirt underneath, and a wristwatch with a black band and silver bezel. Your affiant has met and spoken with Michael Mayhew and can confirm that the individual who looks at the camera is Michael Mayhew.]

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Victim 3: It's been on the whole time! [Victim 3 then can be seen pulling off his underwear and turns to the side, making his penis fully visible.] Is that weird?...oh no Michael and I'm getting dressed too...is that bad...it is I'm serious not while I'm naked.

Mayhew: [Directs Victim 3 to continue getting changed.]

- 23. Victim 3 finishes getting dressed and exits Mayhew's bedroom.
- 24. At timestamp 11:45AM, Mayhew approaches the camera and appears to place a piece of tape somewhere on the camcorder, presumably on the red light referenced by Victim 3. Mayhew then adjusts the camera slightly, but continues to point it at the bed. At 11:47AM, Mayhew says, "Victim 2, come on and get dressed!". Victim 2 begins to get undressed, while Mayhew is in the bedroom with him. Mayhew, while holding Victim 2's new underwear, encourages Victim 2 to continue getting changed. Victim 2 can be seen taking off his underwear while seated on the corner of the bed, and Victim 2's penis is visible on camera. Mayhew hands Victim 2 the new underwear and Victim 2 puts them on. Victim 2 finishes getting dressed and exits Mayhew's bedroom.
- At timestamp 11:56AM, Mayhew calls Victim 4 into the bedroom to get dressed. 25. Victim 4 can be seen taking his clothes off in front of the camera and his buttocks is fully visible. Mayhew continues to encourage Victim 4 to finish getting dressed. The BASF tape recording ends after Victim 4 finishes changing into new clothes.
- Your affiant requested and received a letter from Michael Kauffman, Associate 26. General Counsel for 3M Companies, owner of Scotch brand, confirming that the Scotch brand T-120 VHS tape referenced above was manufactured in Hutchinson, Minnesota.
- Your affiant requested and received an email from Sneha Desai, Deputy General 27. Counsel for BASF, confirming that the BASF brand T-130 VHS tape referenced above was not manufactured in New York.

- 28. On June 13, 2019, Victim 2 was interviewed at his residence by your affiant and Task Force Officer Andrew Wilmot. During the course of the interview, Victim 2 disclosed that Mayhew fondled Victim 2. By fondling, Victim 2 meant that Mayhew touched Victim 2's penis and Victim 2 touched Mayhew's penis. This activity occurred when Victim 2 was 10 or 11 years old. Victim 2 also recalled at one point during the same timeframe that Mayhew, Victim 2 and Victim 4 were all almost fully naked with each other in Mayhew's bedroom. After Mayhew fondled Victim 2 and Victim 4, Victim 2 said that Mayhew told the both of them not to say anything to anyone. In another instance, Victim 2 recalled watching a movie with Mayhew, and Victim 2 was laying on Mayhew's stomach. Victim 2 and Mayhew were watching the movie on Mayhew's floor of his house. While laying on Mayhew's stomach, Victim 2 said that Mayhew tongue-kissed Victim 2. Victim 2 said that this tongue-kiss occurred in 1993.
- Your affiant showed Victim 2 the Scotch VHS recording as described above. Victim 2 believed that the date stamp as shown in the lower right corner of the VHS tape was accurate (Note: the date shown is April 18, 1993, making Victims 2 through 4 approximately 10 years old). Victim 2 recognized the surroundings in the video to be located in Mayhew's house, in Mayhew's bedroom, on the first floor. Victim 2 believed the first child to appear in the video, on the right portion of the bed, to be Victim 4 but could not be certain. Victim 2 saw that he was also in the bed, on the left portion of the bed. Victim 2 believed that Mayhew was filming Victim 4's erection on the video, given that Victim 2 recognized Victim 4 on the right portion of the bed.

^{1 -} As stated previously, the triplets are identical triplets, and therefore it is certain that it was in fact one of them. Your affiant reviewed the videos and can confirm that the identical triplets are difficult to visually tell apart at the time of the VHS recording, given that they were all prepubescent.

Additional video played on the VHS that showed three boys in a pool, and Victim 2 identified the pool to be Mayhew's.

- 30. Your affiant also showed Victim 2 the BASF VHS recording mentioned above. Victim 2 believed that the date stamp as shown in the lower right corner of the VHS tape was again accurate (Note: the date shown is January 15, 1994, making Victims 2 through 4 approximately 11 years old). Victim 2 believed that the video was also filmed in Mayhew's bedroom. Victim 2 identified the order of the boys who changed in Mayhew's room to be: Victim 3, Victim 2, and Victim 4.
- 31. Victim 2 said that his mother confronted Mayhew about the inappropriate sexual activity between Mayhew and Victims 2, 3 and 4. Victim 2's mother concurred that she confronted Mayhew, but Mayhew denied the activity and just became angry with them for accusing him of that activity.
- 32. Victims 3 and 4 were interviewed and also disclosed inappropriate sexual activity by Mayhew consistent with Victim 2's reporting. Victims 3 and 4 were also shown the Scotch and BASF VHS tapes and were able to positively identify themselves. Victim 3 recalled that Mayhew had a camcorder and would take camcorder videos Victim 3 disclosed that he and his brothers would also ask personal questions to Mayhew, such as penis size, for example. Victim 3 recalled that Mayhew said that your penis gets smaller as you get older.
- 33. Upon interview, Victim 4 discussed the nature of his relationship with Mayhew. Victim 4 said that Mayhew was very friendly and often would buy video games in attempt to lure kids into Mayhew's house. Victim 4 reported that Mayhew was very "touchy-feely" when Victim 4 and his brothers were around him. Victim 4 recalled that when he was younger and at Mayhew's house that Mayhew would pull down Victim 4's pants as well as his own, and Mayhew would show him how to masturbate. Mayhew would also use his hands to masturbate Victim 4, and

Victim 4 would use his hands to masturbate Mayhew, at Mayhew's request. Victim 4 recalls this activity with Mayhew occurring on at least two occasions. Victim 4 also recalled that Mayhew asked Victim 4 to perform oral sex on Mayhew, but Victim 4 refused.

- 34. The New York State Police Computer Crimes Unit performed a forensic examination of a Samsung 850 EVO hard drive, manufactured in China, and seized from Mayhew's residence pursuant to the aforementioned federal search warrant.
- 35. The examination of the Samsung hard drive uncovered two videos that contained child pornography. The first video was spliced into a music video and depicted two boys showering, fully nude. The boys appear to be 14 and 16 years of age. There was no shower curtain present and the boys appear to be showering for the purpose of being video recorded doing so. The video is approximately three minutes in length and includes pieces of a music video that cuts in and out. Your affiant is aware that inserting child pornography videos into other videos is a technique often used to conceal child pornography. The second video depicts what appears to be the same two boys now masturbating on a bed and wrestling. Similar to the prior video, the child abuse material was spliced into a music video that cuts in and out sporadically. The video is also approximately three minutes in length.
- 36. The New York State Police Computer Crimes Unit also performed a forensic examination of a Seagate FreeAgent GoFlex portable hard drive, manufactured in Thailand, and seized from Mayhew's basement pursuant to the search warrant. The examination of the Samsung hard drive uncovered two videos that contained child pornography. The videos were exactly the same as described in paragraph 35 above. In addition to those two videos, an image of a prepubescent female performing oral sex on an adult male's penis was found on the hard drive.
- 37. As noted above, the file path on the Seagate FreeAgent portable hard drive that included these video files included a path name of "Zeus_DriveD_Backup". During the search

warrant and per review of the evidence seized, it appears that Michael Mayhew named his computers, to include names like "Zeus" and "TARDIS", with TARDIS referencing the television show, Doctor Who. Mayhew had several redundant backups of his physical tower computers on hard drives. Furthermore, the Seagate FreeAgent is a portable hard drive that cannot connect to the internet and its primary purpose is for data storage. Therefore, any data that is found on the portable hard drive had to be purposefully put on that device.

An iOmega zip disk, manufactured in Malaysia, with the label "Jollymon/Pics" was 38. also seized from Mayhew's basement pursuant to the search warrant. The disk was previewed and contained 184 images of child pornography and 146 images of child erotica. The majority of the aforementioned images featured young boys, between 8 and 14 years of age. There were additional images on the disk that included some adult homosexual pornography, pictures of Michael Mayhew and T.M., and a banner image with the text, "Mike's Web Page www.borg.com/~mjment". Three such images of child pornography are further described as follows:

Image I28.jpg depicts an approximately 10-year-old boy, fully nude, on his knees, performing oral sex on a fully nude adult male.

Image I2A.jpg depicts what appears to be the same 10-year-old boy, fully nude, laying on top of a fully nude adult male. The adult male is performing oral sex on the boy's anus.

Image 1FUK.jpg depicts an approximately 8-year-old girl, nude from the waist down, straddling an adult male who is inserting his penis into the girl's vagina.

CONCLUSION

Based upon the foregoing information, there is probable cause to believe that 39. Michael Mayhew employed, used, persuaded, induced, enticed and coerced a person under the age of eighteen, to wit: a 6 year old male child, to engage in sexually explicit conduct for the purpose of producing visual depictions of such conduct, where such visual depictions were produced using materials which have been mailed, shipped, or transported in interstate or foreign commerce, that is a Samsung Galaxy S8+ cellular telephone manufactured in China, in violation of Title 18, United States Code, Section 2251(a).

ATTESTED TO BY THE APPLICANT IN ACCORDANCE WITH THE REQUIREMENTS OF

RULE 4.1 OF THE FEDERAL RULES OF CRIMINAL PROCEDURE

Special Agent

Federal Bureau of Investigation

I, the Honorable Therese Wiley Dancks, United States Magistrate Judge, hereby acknowledge that this affidavit was attested by the affiant by telephone on September 16, 2020, in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Thérèse Wiley Dancks United States Magistrate Judge